

THE
CHARGE

AGAINST

THOMAS MATHEWS, *Esq;*



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THE

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THOMAS MATTHEWS, Esq.

THAT the said Respondent
and the said Charles
in execution of His Ma-
jesty's service, and the
function of the said
been the constant practice of all Admirals
and Commanders in Chief, and approved by
them of the highest importance for the
Majesty's service, to hold regular Councils
of War, and all Councils of War being
directed by the Instructions established by
the Majesty's Orders to His Ma-
jesty's service, and held by His
Officers in the said Councils of War.



CHARGE

AGAINST

Thomas Mathews, Esq,

I.

THAT, for the better Regulating and Conducting of His Majesty's Fleet, the Execution of His Majesty's Instructions, and the Destruction of His Majesty's Enemies, it has been the constant Practice of all Admirals and Commanders in Chief, and esteemed by them, of the highest Importance for His Majesty's Service, to hold frequent Councils of War; and all Councils of War being directed (by the Instructions established by His Majesty in Council, relating to His Majesty's Service at Sea) to be held by Flag-Officers only. But, if the Number of Flag-

Officers should be less in Company than Three, in that Case the Commander in Chief is impowered to call to Councils of War such of the senior Captains as he shall in his Discretion think necessary: Notwithstanding which, *Thomas Mathews*, Esquire, in the Month of *February*, One thousand Seven hundred and Forty-three, being Admiral and Commander in Chief of His Majesty's Fleet in the *Mediterranean Sea*, having then under his Command *Richard Lestock*, Esquire, Vice-Admiral of the White Squadron, and *William Rowley*, Esquire, Rear-Admiral of the White Squadron, as inferior Flag-Officers; and having then under his Command a Squadron of His Majesty's Ships of War, containing Twenty-eight Ships of the Line, besides other small Ships of War, did not, in the whole said Month of *February*, call, summon, or hold a Council of War, consisting, as aforesaid, of Flag-Officers, or Flag-Officers and senior Captains; notwithstanding the combined Fleets of *France* and *Spain* appeared in Sight, and continued in View, of His Majesty's Fleet under the Command of the said *Thomas Mathews*, on the Eighth, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Days of *February*, One thousand Seven hundred and Forty-three: During which Time the summoning a Council of War was of the greatest Necessity for His Majesty's

Majesty's Service, and was urgent and incumbent on him to have done; yet he, on neither of those Days aforesaid, did call or assemble together a Council of War; contrary to the constant Practice of all Admirals and Commanders in Chief, in Breach and Neglect of his Duty in that Behalf, and to the great Danger of His Majesty's Fleet.

II.

Notwithstanding the Charge and sole Command of His Majesty's Fleet are intrusted to the Admiral and Commander in Chief, and the Well-being and Safety of the said Fleet does, in especial manner, depend upon his Conduct, and whose Duty it is to appoint necessary and proper Signals, for the better conducting the said Fleet under his Command, as well by Night as by Day, according to the various Exigencies of His Majesty's Service; yet the said *Thomas Matthews* did not direct and appoint necessary and proper Signals, for the better conducting the said Fleet under his Command, and the Execution of His Majesty's Instructions: Particularly, by not appointing Signals in the Night, for the said Fleet bringing-to, and keeping in a Line of Battle, engaging, giving Chace, and giving over Chace, according to the various Exigencies of His Majesty's Service;

vice; but, on the contrary, on the Tenth of the said Month of *February*, One thousand Seven hundred and Forty-three, His Majesty's Fleet bearing down on the said combined Fleets of *France* and *Spain*, then laying-to in a regular well-formed Line of Battle, in full Sight, and within Four, Five, or Six Miles Distance of His Majesty's Fleet, the said *Thomas Mathews*, in the Night, did make the Night-Signal for the Fleet to bring-to; by which Signal the Windermost Ships of the Fleet were to bring-to first; and did not appoint and make a Night-Signal to form the Line of Battle, and to bring-to, and keep in the Line.

III.

That, in the Morning, on the said Eleventh of *February*, the said *Richard Lestock* and his Division being separated astern, and to Windward of the Centre of His Majesty's Fleet, and the said *William Rowley's* Division, as aforesaid, being Three, Four, or Five Miles to Windward of the Centre of His Majesty's Fleet; the said *Thomas Mathews* did make Sail with the Centre of the said Fleet, bearing down upon the said combined Fleets of *France* and *Spain*, His Majesty's Enemies, and their Confederates; and did not give sufficient Time for the said
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Richard Lestock's and the said *William Rowley's* Division to come up, to form and close the Line of Battle; but did continue to bear down upon the said combined Fleets; and, by making so much Sail as he did, did increase the Distance between the said *Richard Lestock's* Division and the Centre of the Fleet. And notwithstanding the said *Thomas Mathews* had sent Lieutenant *Jasper* to acquaint the said *Richard Lestock*, that he would lay by for him, until the said *Richard Lestock* could come up and close the Line; yet the said *Thomas Mathews* did not shorten Sail sufficient for the said *Richard Lestock* and his Division to come up, and close the Line: Nor did he lay by with the Centre of the Fleet, for the said *Richard Lestock* and his Division, according to his Order and Message sent by the said Lieutenant *Jasper*; contrary to Discipline, in Breach of his Duty, and to the great Danger of His Majesty's Fleet.

IV.

That, in the Morning, on the said Eleventh of *February*, near Three Hours before the Action began, which afterwards ensued between Part of His Majesty's Fleet and the combined Fleets of *France* and *Spain*, the said *Thomas Mathews* continuing with the
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Centre of the Fleet, separate and apart, as aforesaid, from the said *Richard Lestock's* and the said *William Rowley's* Division, *did make the Signal to engage the Enemy*, contrary to Discipline, and the Practice of all Flag-Officers commanding in Chief, to make the Signals to engage the Enemy before the Fleet was ready, and formed in Order of Battle, according to the Signal for that Purpose, and the Fighting Instructions. Whereupon the said combined Fleets did croud Sail, and stretch to the Southward, in order to gain the Wind of His Majesty's Fleet, or to draw the said Fleet on to join Battle, and fight at a Disadvantage, and upon unequal Terms; inasmuch as the combined Fleets kept in a regular well-formed Line of Battle. And the said *Thomas Mathews*, by not using the Means which were in his Power, did not form nor keep the said Fleet under his Command in a Line of Battle; which was his Duty to have done, agreeable to the Signal aforesaid, and Discipline.

V.

That, by the Nineteenth Article of the Fighting Instructions, it is expressly directed, That, if the Admiral and his Fleet have the Wind of the Enemy, and they have stretched themselves in a Line of Battle, *the Van of the*

the Admiral's Fleet is to steer with the Van of the Enemy's, and there to engage them: In Breach of which Nineteenth Article, the Admiral being to Windward of the Enemy, and the Enemy then stretching themselves in Line of Battle, he did not then cause the Van of his Fleet to steer with the Van of the Enemy's Fleet; by reason whereof, the Van of his Fleet could not join Battle with, nor engage, the Van of the Enemy's Fleet; nor could the Centre of the British Fleet join Battle with, nor engage, the Centre of the Enemy's Fleet; but, instead thereof, the Admiral, by bearing down with the Centre, upon the Rear of the Enemy's Fleet, did thereby endanger the Van of the British Fleet, by leaving the same exposed to the Van and Centre of the Enemy's Fleet. The said William Rowley, who commanded the Van of his Majesty's Fleet on the said 11th of February, instead of being far enough ahead to attack the Van of the Combined Fleets, according to the Signal then abroad, and the Fighting Instructions, being where the said Thomas Mathews as aforesaid, should have been; the said Thomas Mathews, instead of being far enough ahead to attack the Centre of the Combined Fleets, being where the said Richard Lestock as aforesaid, should have been; and the said Richard Lestock, instead of being far enough ahead to attack the Spanish Squadron, which was the

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the Enemy's Rear, being at a great Distance astern; and the said *Thomas Matthews*, and the said *Richard Lestock*, and the said *William Rowley*, being each of them astern of their Stations in the Line of Battle as aforesaid; the said *Thomas Matthews*, contrary to Discipline, the Signal for the Line of Battle then abroad, and the Fighting Instructions, to the great Danger of his Majesty's Fleet, did bear down, in his Majesty's Ship the *Namure*, with his Majesty's Ship the *Marlborough*, and attack the *Spanish* Admiral in the Rear of the Combined Fleets.

VI.

That the said *Thomas Matthews*, on the said Eleventh of *February*, by bearing away to attack the *Spanish* Admiral as aforesaid, did occasion all the Ships from the *Princess's Caroline*, posted in the Line of Battle of his Majesty's Fleet, to the *Dunkirk*, to fire at the *Spanish* Squadron the Rear of the Combined Fleets; the said Ships being the *Berwick*, *Kingston*, *Salisbury*, and *Guernsey* (of the said *William Rowley's* Division); the *Bedford*, *Dragon*, *Somerset*, *Princess's*, *Norfolk*, *Namure*, *Marlborough*, *Dorsetshire*, *Essex*, *Rupert*, and *Royal Oak* (of the said *Thomas Matthews's* Division): Whereby the Van of his Majesty's Fleet, the said *William Rowley's* Division (being only, besides the Four Ships employed as aforesaid, the

Sterling,

Sterling-Castle, Warwick, Nassau, Chatham, Chichester, Boyne, Barfleur, and Princess Caroline), was, by the Signals for the Line, and to engage the Enemy, which were conspicuously flying, and in full Sight of his Majesty's Fleet from the Van to the Rear, directed to attack the Van and Centre of the Combined Fleets, which were Eighteen or Nineteen Ships: Which Conduct of the said Thomas Mather was contrary to Discipline, in Breach of his Duty, the Fighting Instructions, and to the great Danger of his Majesty's Fleet.

VII.

That, soon after the said Thomas Mathews did bear down in his Majesty's Ship Namure, and did fire at the Spanish Admiral as aforesaid, he, in his Majesty's Ship Namure, did shoot ahead, haul his Wind, withdraw, and continued to keep back from the Fight with his Majesty's Enemies; and did thereby leave his Majesty's Ship the Marlborough to be hard pressed in Battle by the Spanish Admiral aforesaid, and his Second astern of him; and, during the Engagement, his Majesty's Ship the Marlborough being disabled, having her Mizzen and Mainmast shot away; and, after she was so disabled as aforesaid, did continue engaged in Fight with the said Spanish Admiral, and his Second astern of him, which

the said Thomas Mathews saw ; and he the said Thomas Mathews, being in Command as aforesaid, and being capable of yielding Assistance or Relief to his said Majesty's Ship Marlborough, by going with his Majesty's Ship Namure, then under his Command, or ordering any of his Majesty's Ships in the Centre, under his Command, to her Assistance (particularly the Dorsetshire, Essex, Rupert, and Royal Oak), which he or they might have done : Notwithstanding which, he the said Thomas Mathews did not order any of the Ships aforesaid to the Relief or Assistance of the Marlborough ; and did not do his utmost to assist and relieve his Majesty's said Ship the Marlborough ; but withdrew, and kept back himself, and the Ships of his Division, from the Fight or Engagement, contrary to his Duty, and the Articles of War.

VIII.

That, between the Signal being made to engage the Enemy, and the Signal for the Fleet to give over Chace, after the Fire-ship blew up, and in the Afternoon's Engagement, as aforesaid, on the said 11th of February, there not being more than Five Ships of the Spanish Squadron, the Rear of the said Combined Fleets, that did engage within Gunshot ; out of which Five, the
said

said *Spanish* Admiral's Second ahead of him
 was soon put to Flight, and beat to Leeward,
 out of the Enemy's Line, by his Majesty's Ship
Norfolk; the Ship ahead of the said *Spanish*
 Admiral's Second, in the Enemy's Line, was
 disabled, having her Mainmast shot away,
 and afterwards struck to his Majesty's Ship
Berwick; and also the *Spanish* Admiral's
 Ship was greatly disabled by his Majesty's
 Ship *Marlborough*: Notwithstanding which,
 and the said *Thomas Mathews* had it in his
 Power to order and dispose of his Majesty's
 Ships *Berwick*, *Kingston*, *Salisbury*, *Guernsey*,
Bedford, *Dragon*, *Somerset*, *Princessa*,
Norfolk, *Namure*, *Dorsetshire*, *Essex*, *Ru-*
pert, and *Royal Oak*, for the immediate
 Destruction of the said Five Ships; and to
 endeavour to take, fire, kill, and endamage,
 the Enemy, and to relieve his Majesty's
 Ship *Marlborough*; yet nevertheless the said
Thomas Mathews did not use the Means in
 his Power, and endeavour his utmost, to
 take, fire, kill, and endamage, the Enemy;
 nor did he, as it was his Duty to have done,
 order and direct the aforesaid Fourteen
 Ships under his Command to engage, and
 join in Battle, according to the Situation
 and Inferiority of the Enemy, during the
 said Afternoon's Engagement, his Majesty's
 Instructions, and the Articles of War; but,
 on the contrary, the said *Thomas Mathews*
 not only withdrew, and kept back himself,
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but did connive at the notorious Breaches of Duty in others under his Command, by not giving the necessary Orders and Directions as Commander in Chief, and which was his Duty to have done, for the Destruction of the said Five Ships of the Spanish Squadron; nor did he, as was incumbent on him, according to the Fighting Instructions, send for the Captains who failed in their Duty on this important Occasion, and appoint others in their room; whereby so good an Opportunity of effectually destroying, burning, or taking, the Five Ships, as aforesaid, was lost; to the great Dishonour of his Majesty's Fleet, and the great Danger of his Majesty's Ship Marlborough, which Ship was thereby left alone to fight against the Spanish Admiral, and his Second astern of him, as aforesaid, During most Part of the Time the said Engagement continued.

IX.

That the said Thomas Mathews, being in Command as aforesaid, did not give Orders on the said Eleventh of February, before the said Action began, to Captain Mackey of his Majesty's Fireship Ann Galley, to prime and prepare the Fireship under his Command to be ready to execute the Service as Occasion might offer, according to Practice, and the Nature

Nature of that Service, since the Attempts of burning a Ship greatly depends on Readiness, and sudden Execution: For though a Ship may be so disabled as to give a fair Opportunity for burning her; yet, if the Fireship is not primed and prepared ready to catch the Occasion when it offers, the Time she will take to prime may very probably put the Enemy in a Condition to defeat the Enterprize: Notwithstanding which, the said *Thomas Mathews*, contrary to Practice, and in Breach of his Duty, did not give the necessary and preparatory Orders to the said Captain Mackey; but, during the Engagement, the Spanish Admiral having been greatly disabled by his Majesty's Ship *Marlborough*, the said *Thomas Mathews* did send down the Fireship unprepared to burn the Spanish Admiral's Ship, without allowing the said Captain Mackey time sufficient to prime the Fireship, being obliged to prime all the Way with loose Powder: And also the said *Thomas Mathews* did notoriously neglect to go himself in his Majesty's Ship *Namure*, or to send his Majesty's Ships *Dorsetshire*, *Essex*, *Rupert*, and *Royal Oak*, or any of them, which Ships were ready at hand, to cover and conduct the said Fireship, while she performed that important Service; by which means the said Fireship blew up without Success, and the Opportunity of burning the Spanish Admiral's

Admiral's Ship was lost : Whereas, had the Fireship been primed ready for Service, and covered by his Majesty's Ships *Namure*, *Dorsetshire*, *Essex*, *Rupert*, and *Royal Oak*, or any of them, the *Spanish* Admiral's Ship would have not only been burnt, but the sternmost Ships in the Rear of the said *Spanish* Admiral would have been hindered from getting ahead.

X.

That soon after the said Fireship blew up by the Means as aforesaid, on the said Eleventh of *February*, the Van of his Majesty's Fleet (the said *William Rowley*'s Division) being standing on the contrary Tack to the Line of Battle, and by crouding Sail and hauling close upon a Wind, was endeavouring to run from the great Superiority of the *French* Squadron, which was then standing on the same Tack, and keeping close after the said Van of his Majesty's Fleet ; the said *William Rowley* having, at that very Time, the Signal abroad for the Ships in his Division to bear down into the Admiral's Wake : The said *Thomas Mathews* did haul, or cause to be hauled down, the Signals for the Line of Battle, and engaging the Enemy ; and did hoist, or cause to be hoisted, the Signals for the Fleet to give over Chace : And soon after
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the said *Thomas Mathews* did make the Signal to give over Chace, he did make the Signal for the Line of Battle ahead, and did in his Majesty's Ship *Namure* wear round, and did accordingly stand with his Majesty's Fleet under his Command on the Starboard-Tack from the said combined Fleets; *and did thereby leave a disabled Sixty-gun Ship, that struck during the said Engagement, to be retook by the French Squadron, with the Lieutenant of the Berwick, and Twenty or more of the said Ship's Company on board of her*: And the said *Thomas Mathews* did continue to stand from his Majesty's Enemies with the Fleet under his Command; and did, during the whole Night of the said Eleventh of February, ply to Windward, without sending Cruisers to observe the Motions of the Enemy; By which means his Majesty's Fleet, at Day-break, on the Twelfth of February, was Four, Five, or Six Leagues to Windward of the said combined Fleets, and could not all that said Twelfth of February get up to engage and join in Battle with his Majesty's Enemies; which Conduct of the said *Thomas Mathews* was to the Damage of his Majesty, in Breach and Violation of the Articles of War, and his Majesty's Instructions.

XI.

That the said *Thomas Mathews*, on the said Twelfth of *February*, did bear down, and give Chace to the Enemy, forming his Majesty's Fleet under his Command in a Line abreast, according to the Signal which the said *Thomas Mathews* had made, and kept abroad; and as his Majesty's Fleet drew near to the said combined Fleets, which retreated, not formed in Order of Battle before his Majesty's Fleet; and notwithstanding the said *Thomas Mathews* did see the Spanish Squadron ahead, and to Leeward of their Confederates, and Four of the said Spanish Ships appeared in his Sight to be disabled, among which was the Spanish Admiral's Ship, being not able to make more Sail upon her than a Spritsail and a Forestay Sail; and by her continued Nearness, and never altering her Distance from a Ship ahead of her, she appeared to be in Tow of a large Ship that had all her Sails abroad; notwithstanding which, and tho' it was a fine Moon-light Night, Wind and Weather fair, and sufficient to have gone in Chace of the Enemy, and his Majesty's Fleet continued to have the Weathergage, and it would have been easy for the said Fleet to have continued under Sail, and in Sight of the combined Fleets, by making

making more and more Sail, as the Enemy appeared less and less perceptible, or otherwise shortened Sail as his Majesty's Fleet did come up; yet, nevertheless, the said Thomas Mathews, in Breach of his Duty, and Violation of his Majesty's Instructions, and contrary to the Articles of War, did bring to with the said Fleet under his Command, and did thereby forbear to pursue the Chace of his Majesty's Enemies, and their Confederates then flying; neither did the said Thomas Mathews send Cruisers to observe the Motions of the Enemy, during the Time his Majesty's Fleet lay-to, but withdrew and kept back from pursuing the Chace, contrary to his Duty, in Breach and Violation of the Articles of War, and his Majesty's Instructions.

XII.

That as his Majesty's Fleet drew near to the said combined Fleets, on the said Twelfth of February, the disabled Sixty Gun Ship (that had struck the Day before, and had been retaken by the French Squadron in the Evening, with the *Berwick's* Lieutenant and Men on board of her) was deserted by the Enemy: Whereupon the said Thomas Mathews did send Captain Norris, of the *Essex*, to burn the said disabled Ship, which Captain Norris did, and she afterwards blew up;

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notwithstanding the Ship might have been saved for his Majesty's Use and Service, as the said Ship's Fore and Mizen Masts were standing, and she had a great Quantity of Stores on board of her; and the said *Thomas Mathews* could, consistent with the Disposition of both Fleets, more especially as the Combined Fleets were then incumbered and disabled, and were then flying before his Majesty's Fleet, *have spared a Frigate to have sent the said disabled Ship to Minorca,* which was his Duty to have done.

XIII.

That, on the Thirteenth of the said Month of February, the said *Richard Lestock*, in the Morning, did make the Signal to the said *Thomas Mathews* for seeing Twenty Ships, or upwards, of the Enemy, which Signal his Majesty's Ship *Torbay* did repeat, being then astern of the said *Richard Lestock*; and the said *Thomas Mathews* was then in full Sight of the said Signal made and repeated as aforesaid, having soon after hoisted a Flag, striped Red and White, at the Foretopmast-head, and fired a Gun (which Signal, by the Thirteenth Article of the Fighting Instructions, was for the said *Richard Lestock*, and his Division, to draw into a Line ahead; and, by the Fourteenth Article of the Sailing Instructions, it

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is for the Vice-Admiral to send Ships to chase): Whereupon the said Richard Lestock did answer the said Signal, by hoisting a Flag, striped Red and White, at the Fore-topmast-head, as is directed by the Fighting Instructions; and, at the same time, the said Richard Lestock did make the proper Signal for those Ships in his Division, stationed ahead of him in the Line of Battle, leading with the Starboard Tack, to get into their Stations, and to give Chace to the Enemy; and the said Richard Lestock did gain upon the Combined Fleets, and did make their Ships more and more plain, being able to see many of them from the Deck; notwithstanding which, and though his Majesty's Fleet continued to have the Advantage of the Weather-gage of the Combined Fleets, with a fresh Gale of Wind; and thereby, had the Chace been continued by his Majesty's Fleet, the said Combined Fleets must have left or given up their lame Ships, particularly the Spanish Admiral, or have given his Majesty's Fleet Battle; yet the said Thomas Mathews did make the Signal for the Fleet to give over Chace; and did thereby withdraw and keep back, with the said Fleet under his Command, from pursuing the Chace of his Majesty's Enemies, and their Confederates, contrary to his Majesty's Instructions, in Breach and Violation of his Duty, and the Articles of War.

XIV.

That the said *Thomas Mathews* was a principal Cause or Occasion of the Miscarriage of his Majesty's Fleet in the *Mediterranean*, and was guilty of divers notorious Neglects and Misconducts, and Breaches of Instructions, particularly by his neglecting to call a Council of War; by his neglecting to appoint proper Signals in the Night; by his bearing down to engage before the said *Richard Lestock*, and his Division, and the said *William Rowley*, and his Division, had formed and closed the Line of Battle; by his not keeping the said Fleet, under his Command, in Line of Battle; by ordering the Van of his Majesty's Fleet to engage at odds, and unequally; by his hauling the Wind, and leaving his Majesty's Ship the *Marlbrough* in Distress, and by withdrawing and keeping back from the Fight himself, and not ordering any of his Majesty's Ships to her Assistance; by his not giving Orders for the *Ann Galley* Fireship to prime before the Engagement, and neglecting to send a Ship of War to cover her; by leaving the *Spanish* Sixty Gun Ship aforesaid to be retaken by the Enemy, together with several of his Majesty's Subjects; by burning the said Sixty Gun Ship, when she might have been preserved

served to his Majesty's Service; and by his leaving off and quitting the Chace, as aforesaid.

XV.

That the said *Thomas Mather* was guilty of divers notorious Breaches of his Duty, as Admiral and Commander of his Majesty's said Fleet, upon the said Eighth, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Days of *February*, before and during the Engagement of his Majesty's Fleet with the said Combined Fleets of *France* and *Spain*, in the *Mediterranean* Sea; and was a principal Cause of the Miscarriage of his Majesty's said Fleet.

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